

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Franklin J. Rigler
PO Box 970
Gardiner, Mt. 59030
2. Type of action: Application For Beneficial Water Use Permit # 30041732
3. Water source name: Well
4. Location affected by project: Sections 11 & 12 T 8S R7E, Park County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The applicant is applying for a water use permit for an irrigation well. The well will be used to irrigate 43 acres, which has been irrigated in the past with Slip & Slide Creek water. Before that it was irrigated using Cedar Creek water. A maximum flow rate if The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction) Montana State Historical Preservation Office, Department of Fish, Wildlife & Parks, Montana Natural Heritage Program, Park County Planning Office, Montana Department of Environmental Quality.

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The Yellowstone River in this reach is not listed as chronically or periodically dewatered. The well is diverting Yellowstone alluvial water. The applicant will cease diversion if called in by FWP when their Reservation is not being satisfied.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: The Yellowstone River has been listed on the DEQ, 303(d) list. This 100 foot deep well is hydrologically connected to the Yellowstone River.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: This 100 foot deep well will be impacting the Yellowstone River Groundwater supply, and quality should not be significantly impacted.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: The 450 GPM will be diverted from the well using a 50 HP pump. The water will supply an existing irrigation system. There will be no channel impacts, or barriers on the Yellowstone River.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: The Natural Heritage Program was contacted. They identified a bald eagle nesting sight near this project. They identified Yellowstone Cutthroat trout in the Yellowstone River. The following species of concern may occur near the area, gray wolf, fisher, Canada lynx, marten, wolverine and grizzly bear. The ground to be irrigated from the well is currently being irrigated from Slip and Slide Creek. Before that the grounds was irrigated from Cedar Creek.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: The well was not drilled in a wetland, and will have no impact on existing wetlands.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: This well does not involve a pond. By using this well to irrigate, the lower pond fill by Slip and Slide Creek will remain full, which should benefit the fishery.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: Irrigation of this ground will be from a well instead of surface water. Soil quality and moisture content should be unchanged. There is no saline seep in the area.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: A small area was disturbed during well drilling. This area will need to be reseeded to prevent the spread of noxious weeds.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: There should be no significant impact on air quality relating to this well.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: The Montana Historical Preservation Office was contacted. Their records indicate that there have been no previously recorded sites within the search locale. They stated that a cultural resource inventory is unwarranted.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The Park County Planning Board has no restrictions against drilling an irrigation well.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This area is private property, with no access to public recreational or wilderness activities. No impact is expected.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: No impact on human health is expected.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Private property rights are not impacted by this proposed action.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts No secondary impacts have been identified.

Cumulative Impacts No cumulative impacts have been identified.

3. *Describe any mitigation/stipulation measures:* Mitigation or stipulations are not planned at this time.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** If not action is taken, the applicant will continue to irrigate from Slip and Slide Creek. When the applicant irrigates from the lower pond on Slip and Slide Creek the pond is drained, or partially drained. This property was purchased from the applicant, and will be swapped with the US Forest Service for USFS in holdings across the Yellowstone River. When the USFS received this ground, the pond level may be reduced. Since this ground is already being irrigated there will not be any reduction in flow to the Yellowstone River.

PART III. Conclusion

1. ***Preferred Alternative*** Issue a provisional permit for the well.
2. ***Comments and Responses*** No comments or responses were received at this time.
3. ***Finding:***
Yes___ No__**X**_ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: Significant impacts have not been identified. An EIS is not required for this action.

Name of person(s) responsible for preparation of EA:

Name: Porter Dassenko

Title: Water Resource Specialist

Date: June 9, 2008